

REMARKS

The present invention relates to an immunological latex turbidimetry method and reagent.

Hereinabove, independent claims 1 and 6 have been amended to improve the clarity of the claims, including an explicit recitation indicating that the latex particles are coated with bovine serum albumin. The amended claim recitations are supported by the disclosure in the specification, e.g., in Example 2(1) at page 13 of the specification.

In the Office Action of June 6, 2006, claims 1, 4, 6 and 9 were rejected under 35 U.S.C. §103(a) based on Hunter in view of Dosa et al. further in view of Shinoda et al, and claims 5 and 10 were rejected 35 U.S.C. §103(a) based on Hunter et al in view of Dosa et al further in view of Shinoda et al and still further in view of Nakase et al.

In the Advisory Action of October 5, 2006, these rejections were maintained, with the Examiner indicating reasons for maintaining the rejections at pages 5 - 7 of the Advisory Action. Particularly, the Examiner indicated that although Applicants cited features for distinction over the prior art (i.e., BSA coated latex particles), the feature was not recited in the rejected claims.

In response to the Examiner's comments, as noted above, Applicants have herein amended independent claim 1 and 6, including the specific recitation "said latex particles being

coated with bovine serum albumin", thereby further explicitly reciting the nature of the present invention, in contrast to the prior art references that were cited.

Accordingly, it is respectfully submitted that the present amended claims clearly distinguish over the cited art, and accordingly, the rejections under 35 U.S.C. §103(a) should be withdrawn.

In view of the above, reconsideration and allowance of pending claims 1, 4 - 6, and 9 - 10 of this application are now believed to be in order, and such actions are hereby earnestly solicited.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the local Washington, D.C. telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/048,212

Attorney Docket No.: Q68293

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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